

Case 4 – Jason A.

Jason, who is twenty-eight, is suffering from a traumatic brain injury that occurred as the result of a four-wheeler accident. He is currently undergoing rehabilitation in Colorado. After being partially paralyzed for a month, he has regained his ability to walk, and his fine motor skills are improving, but his speech is still impaired and he has difficulty organizing his thoughts and has some memory impairment. He is suffering from depression and often acts out in anger. He cannot live by himself yet. He cannot drive, and he has difficulty making decisions, sometimes even about such basic things as what clothes to wear. His progress in recovery is uneven. He will advance and then regress, but overall the doctors see consistent progress.

His doctors and therapists expect that with regular therapy, Jason's recovery will continue, but they cannot offer a prognosis on its final extent or the time it will require.

When Jason is released from the rehabilitation center next month, he will be returning to Alaska. His parents live in St. Mary's. They are elderly and in poor health themselves. He would like to return to the village, but because of the lack of resources for therapy there, this doesn't seem possible at this time. Instead, he will stay in Anchorage and receive care through the Alaska Native Medical Center.

A younger sister living in Anchorage has offered to let him live with her. She is worried, however, about the demands his care

will require. She is in school and has a young son. She believes that her brother will require as much care as her own son, at least at first. She has recognized how few decisions he can make for himself and how confused his thinking still is. He is her older brother and she has always deferred to him. She is also worried about expenses. Her parents can give her little assistance or guidance. She is looking for some support in her decision to take Jason into her home.

Study Questions

- Has the sister been able to speak directly with Jason's therapy team?
- Is Jason capable of giving his sister durable power of attorney and durable power of attorney for health care?
- Will the sister be able to handle the time demands of Jason's therapy – taking him to appointments, meeting with therapists and doctors?
- Has the sister become familiar with the paperwork surrounding Jason's care?
- Does she understand his financial situation?
- Is she even-tempered enough herself to live and work with someone who is somewhat emotionally and mentally incapacitated?

- To what degree are Jason's parents currently involved with his care? To what degree do they participate in decisions about his care?
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Jason A. Case Conclusion

Jason resisted the idea that he needed a guardian. He was anxious to prove that he was recovering enough to take care of his affairs. At first, his sister didn't understand that she would need specific legal authority to help her brother, but she found it difficult to get information from his medical team or the social worker, and Jason himself couldn't always evaluate his own condition or communicate clearly. The sister found herself without enough power to make the necessary decisions. She could not cash checks in his name. Because Jason was often uncooperative, she spent a lot of time on minor matters. In addition, she found that her mother was often second-guessing her decisions.

Her brother was willing to give her power of attorney, but that did not seem sufficient to the problems. The social worker suggested she petition for temporary guardianship. After she assembled Jason's medical records and statements from his doctors and therapists, she was able to write the petition showing why her brother needed a guardian at least for a time and why she was best able to serve as guardian.

The court appointed her as temporary guardian, with the situation to be reviewed after six months and Jason's capacities re-evaluated.